

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Walter Clinton Batchelor,

Plaintiff,

V.

Dr. Drago; Nurse Stokes; Nurse Spivey;
Nurse Smith; Dr. Tomarchio; Warden
Eagleton; SCDC Director Byars, Warden
McCall, Dr. Pate, and Dr. Thomas Moore,

Defendants.

C/A No. : 5:12-2585-DCN-KDW

ORDER

Plaintiff, proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. The matter is before the court on Plaintiff's Motion to Compel and for Sanctions, ECF No. 208, and Plaintiff's Motion for Extension of Time, ECF No. 217. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1), and Local Rule 73.02(B)(2)(d), D.S.C., the undersigned magistrate judge is authorized to review all pretrial matters in prisoner petitions filed under 42 U.S.C. § 1983.

Plaintiff moved the court to compel Defendants to respond to discovery and he is also seeking sanctions. ECF No. 208. As ordered by the court, ECF No. 203, the Defendants timely served Plaintiff with verified answers to his interrogatory requests, ECF No. 213. Accordingly, Plaintiff's Motion to Compel and Motion for Sanctions, ECF No. 208, is **denied**.

On June 18, 2013, Plaintiff filed a Motion for Extension of Time. ECF No. 217. In his Motion, Plaintiff argues that he has limited time in the prison's law library and needs additional time to review and address materials submitted by Defendants. Plaintiff also asserts that

Defendants have failed to provide him with all documents he has requested in discovery. Defendants did not file a response to Plaintiff's Motion.

Plaintiff has also filed an Objection to Defendants Request for Summary Judgment which consists of two separate five-page documents, ECF No. 219, and a Response to Motion for Summary Judgment, ECF No. 226. In his Objection Plaintiff again asserts that he has not had sufficient time to "review or respond to interrogatories" and Defendants have not produced all documents requested in discovery. Specifically, Plaintiff asserts Defendants have failed to "produce documents #'s 3, 6, 8, 9, 10, 11, 13, 16, 17 and 18 of his first request in discovery." ECF No. 219 at 7. In this same document Plaintiff alleges "'s 1, 2, 4, 5 and 7 are only partially provided and should be counted as evasive or incomplete and the same as failure to produce." *Id.* at 8. In his Response to Summary Judgment Plaintiff references his pending Motion to Compel and states he "cannot properly object to defendants request for summary judgment until he has the documents he has requested in the discovery process." ECF No. 226 at 2.

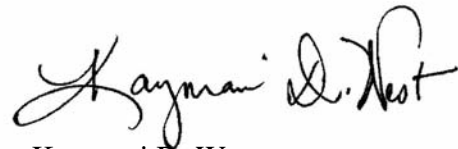
Because Plaintiff has not provided the court with copies of the discovery requests or responses, and because Defendants failed to respond to Plaintiff's Motion for Extension of Time, ECF No. 217, the court is unable to determine if Plaintiff's request has merit. The court notes that under the current Scheduling Order for this case the discovery deadline was May 3, 2013.

Defendants are directed to file a response, **by July 24, 2013**, to Plaintiff's Motion for Extension of Time, ECF No. 217, and are further directed to include in their response information related to Plaintiff's allegations regarding the specific document requests as set forth in ECF No. 219.

All remaining deadlines are stayed.

IT IS SO ORDERED.

July 16, 2013
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge